

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on August 17, 2010.

Acting Mayor Gover presided and called the meeting to order at 6:30 p.m.

Acting Mayor Gover led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: Absent Commissioner Randy Ervin, YEA Commissioner Rick Hall, YEA Commissioner Chris Rankin, YEA Acting Mayor Tim Gover.

Also physically present were City personnel: City Administrator Sue McLaughlin; City Attorney & Treasurer J. Preston Owen, Community Development Coordinator Kyle Gill, Public Works Director David Wortman, Fire Chief Tony Nichols, Police Chief Jeff Branson, and City Clerk Susan O'Brien.

Commissioner Hall seconded by Commissioner Rankin moved to approve the consent agenda consisting of minutes of the regular meeting August 3, 2010; Fire Department Report for the month of July, 2010; bills and payroll for the first half of August, 2010.

Bills and Payroll first part of August, 2010

General Fund

Payroll		\$ 250,210.17
Bills		<u>\$ 207,974.07</u>
	Total	\$ 458,184.24

Hotel Tax Fund

Payroll		\$ 2,205.53
Bills		<u>\$ 4,634.05</u>
	Total	\$ 6,839.58

Festival Management

Bills		<u>\$ 18,163.13</u>
	Total	\$ 18,163.13

Insurance & Tort fund

Bills		<u>\$ 125.00</u>
	Total	\$ 125.00

Capital Project Fund

Bills		<u>\$ 29,996.24</u>
	Total	\$ 29,996.24

South Route 45 TIF District

Bills		<u>\$ 128,644.90</u>
	Total	\$ 128,644.90

I 57 East TIF District

Bills		<u>\$ 3,000.00</u>
	Total	\$ 3,000.00

Midtown TIF District

Bills		<u>\$ 10,351.60</u>
	Total	\$ 10,351.60

South Rte 45 TIF District Water Fund

Payroll		\$ 22,509.61
Bills		<u>\$ 34,364.54</u>
	Total	\$ 56,874.15

Sewer Fund

Payroll		\$	29,600.45
Bills		\$	18,761.24
	Total	\$	48,361.69

Cemetery Fund

Bills		\$	107.81
	Total	\$	107.81

Motor Fuel Tax Fund

Bills		\$	20,406.60
	Total	\$	20,406.60

Health Insurance

Bills		\$	118,415.86
	Total	\$	118,415.86

Acting Mayor Gover opened the floor for discussion with no responders.

Acting Mayor Gover declared the motion to approve the consent agenda carried by the following vote: Absent Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Acting Mayor Gover.

PUBLIC COMMENTS/PRESNTATION AND NON AGENDA ITEMS:

- Acting Mayor Gover thanked and presented Certificates of Appreciation to outgoing Board members of the Zoning Board of Appeals and Planning Commission – Steve Matheny and Bill Whitworth.

ITEMS FOR DISCUSSION:

A. Mowing of IDOT IL Highway Route 16 from Interstate 57 to Logan Avenue

Director Wortman updated the Council on the mowing of IDOT's right-of-way with Lafayette Township declining the additional mowing, Flora's public works director estimating less than \$100 per acre to mow IDOT's rights-of-way, and had many inquiries unable to comply with IDOT's mowing requirements. Director Wortman's recommendation was to contract per mow with contingency spending and re-bid next year, considering IDOT's three mowings requiring fewer mowings by the City. Council and Administrator McLaughlin discussed partial mowing of the rights-of-way and re-visiting the mowing contract next year.

B. Rights-of-Way Ordinance

Administrator McLaughlin described the damages to the City rights-of-way (ROW), introduced the proposed ordinance, reviewed the modifications which addressed permitting regulatory work on ROW, requiring replacement/repair damages by utility companies, correcting adversely-effected drainage on private residences, and regulating construction standards. Council with input from Administrator McLaughlin and Director Wortman discussed the span of the ordinance and consideration at a future Council meeting. Acting Mayor Gover opened the floor for discussion with no responders.

Acting Mayor Gover seconded by Commissioner Rankin moved to adopt Ordinance 2010-5307, amending the Subdivision Code and Fees Schedule of the Municipal Code to allow for the merging of the Planning Commission and Zoning Board of Appeals.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2010-5307

AN ORDINANCE AMENDING THE SUBDIVISION AND FEES SCHEDULE OF THE MUNICIPAL CODE TO ALLOW FOR THE MERGING OF THE PLANNING COMMISSION AND ZONING BOARD OF APPEALS

WHEREAS, the Mattoon Zoning Ordinance has definitions and regulations regarding the Zoning Board of Appeals;

WHEREAS, revisions to the ordinance have been proposed to merge the Planning Commission and Zoning Board of Appeals to facilitate more efficient planning and development review;

WHEREAS, the City Council for the City of Mattoon, Coles County Illinois deem that the recommended revisions are in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Chapter 159 of the Code of Ordinances of the City of Mattoon is hereby amended as follows:

Section 159.04 DEFINITIONS

Remove: BOARD OF APPEALS, ZONING. See “Zoning Board of Appeals.” The City of Mattoon Zoning Board of Appeals is established by this Ordinance, and referred to herein as the Zoning Board of Appeals.

Remove: ZONING BOARD OF APPEALS. The City of Mattoon Zoning Board of Appeals established by this chapter, and referred to herein as the Zoning Board of Appeals.

Section 159.05 GENERAL REVIEW PROCEDURES, AMENDMENTS AND CHANGES

(B) At the time application is made to zone, rezone, alter or vary the use of property under the provisions of this chapter, the applicant therefore shall pay to the Clerk of this City the sums in accordance with §35.01 (E)(4).

(C) The petitioner, for zoning change, special use permit and variance shall present his petition to the City Clerk and shall publish an official notice of public hearing in the local newspaper not more than 30 days nor less than 15 days before the meeting of the Planning Commission at which the petition is to be heard.

(C)(4) The date, time and place of the Planning Commission meeting at which the public hearing will be held;

(D) The City Clerk shall notify and forward the pertinent information to the following agencies and individuals; the Coles County Soil and Water Conservation District; applicable Drainage District(s), the Mattoon Water Superintendent or Public Works Director, the Building/Code Official, Fire Chief and the Mattoon Planning Commission Chairperson. Included with each notification shall be a copy of the review checklist, on which the City Clerk has noted the dates of receiving the petition and of forwarding the information on. The City Clerk shall request each agency notified to note on the checklist the date of receiving the information, and to return the checklist with their review comments.

(K) There shall be erected on the property named in the petition, a sign or signs which during daylight hours are visible from each road which borders the petitioned area. A maximum of four signs may be placed. The signs must be placed on the property within five days after the date of official notice of the public hearing. The erection of the signs, in the manner prescribed herein, shall be the responsibility of the petitioner, unless otherwise designed by the Planning Commission. The signs shall read as follows:

A petition to modify the zoning use of this area has been submitted. For information, contact the City Clerk at (217) 235-5654.

(L) The Planning Commission shall hold a public hearing within 30 days following the publication of official notice in the newspaper. The petitioner may be represented by counsel and may provide a stenographer who can record all testimony at the hearing. Information and facts may be presented by the petitioner as he or she deems fit. Minutes of the public hearing shall be forwarded to the Mattoon City Council. Other information may be required by the Mattoon Planning Commission.

(M) *Remove*

(N) The Mattoon Planning Commission shall forward its findings to the Mattoon City Council.

(Q) The developer shall have one (1) year from the date of final approval to begin construction of the proposed area unless good cause, health, safety or change of time can be shown to the City Administrator for granting an extension of time. If the timeline is not extended, the developer will need to re-apply. The developer shall obtain the necessary building, electrical, heating and air conditioning, occupancy, plumbing, use and sewer and water connection permits as required.

(S) Copies of all petitions filed with the City Clerk for consideration by the Planning Commission or City Council or other city official shall be served upon the City Clerk, City Hall (208 N 19th St, Mattoon, Illinois 61938), in addition to all other persons required to have service or notice.

Section 159.65 PLANNING COMMISSION

(A) Creation and membership. The Planning Commission is hereby established. The words "Commission" when used in this section shall be construed to mean the Planning Commission. The Commission shall consist of nine (9) members who shall be freeholders appointed by the Mayor upon approval of the City Council. The terms of office of the members of the Commission shall be for five years, excepting that the nine members first appointed shall serve respectively for terms of one for one year, two for two years, three for three years, two for four years and one for five years.

Vacancies shall be filled for the unexpired term of the member whose place has become vacant by the Mayor upon approval by the City Council. The City Council shall have the power to remove any member of the Planning Commission for cause and after notice and public hearing. The Planning Commission shall elect its own Chairperson and Vice President each of whom shall serve for one year. The Planning Commission shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the powers herein given it.

(B)(1) Meetings. All meetings of the Planning Commission shall be held at the call of the Chairperson and at such other times as the Commission may determine.

All meetings of the Commission shall be open to the public. The Commission shall keep minutes of its proceedings and shall also keep records of its examinations and other official actions. Findings of fact shall be included in the minutes of each case of a requested variation, specifying the reasons for making or denying such variation.

Every rule, regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the Commission shall immediately be filed in the office of the City Clerk and shall be a public record. The Commission shall adopt its own rules of procedure not in conflict with the statute in such cases made and provided.

(B)(2) *Remove*

(C)(1) Such appeal shall be taken within such time as shall be prescribed by the Planning Commission by general rule, by filing with the Building Inspector and with the Commission, a notice of appeal, specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Commission all of the papers constituting the record upon which the action appealed from was taken.

(C)(2) An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Commission after the motion of appeal has been filed with him or her that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case the proceedings shall not be staid otherwise than by a restraining order which may be granted by the Commission or by a court of record on application, on notice to the Building Inspector and on due cause shown.

(C)(3) The Commission shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The Planning Commission may reverse or affirm wholly or partly or may modify the order, requirements, decision or determination as in its opinion ought to be made in the premises and to that end shall have the power of the Building Inspector from whom appeal is taken.

(C)(4) All final administrative decisions of the Commission made under ILCS Ch. 65 Art 5 Sections 11-13-1 through 11-13-20 as now enacted and may be hereafter amended or modified, shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act" approved May 8, 1945, Chapter 110, Section 264 et seq., and all amendments and modifications thereof, and the rule adopted pursuant thereto.

(D)(1) The Planning Commission shall hear and decide appeals for the review of any order, requirement, decision or determination made by the Building/Code Official who is charged with the enforcement of this chapter.

(D)(2) It shall also hear and decide all matters referred to it or upon which it is required to pass under this chapter. The concurring votes of five members of the Commission shall be necessary to reverse any order, requirement, decision or determination of the Building/Code Official or to decide in favor of the applicant any matter upon which it is required to pass under this chapter or to effect any variation in this chapter.

(D)(3) Where in specific cases permits are applied for and there are practical difficulties or particular hardships in the way of carrying out the strict letter of any of the provisions or regulations of this chapter relating to the use, construction or alteration

of buildings or structures, or the use of land, the Planning Commission may determine and vary their application in harmony with their general purpose and intent and in accordance with the following rules.

(D)(4) No variation in the application of the provision of this chapter shall be made by the Council concerning the use of land, the intensity of such use, the size, shape or location of yards or open spaces, or the height of structures now existing or to be constructed, unless, after a hearing by the Planning Commission as provided in this section, the Council shall find that such variation will not: *(a) through (e) (1-4) remain unchanged*

Section 159.69 AMENDMENTS AND CHANGES

(A) The regulations imposed and the districts created by this chapter may be amended from time to time by ordinance, but no such amendments shall be made without a hearing before the Planning Commission.

(B) Any application for rezoning inside the corporate limits will be considered by the Planning Commission if, and only, if the physical area to be re-zoned, or the area resulting from re-zoning is at least 40,000 coterminous square feet, as defined herein.

(C) The Commission may, of its own motion, or upon petition signed by 50% or more of the property owners of the area in question, or upon instruction from City Council, cause to be prepared a notice indicating the changes proposed to be made in the regulations or in the district boundary lines, describing the boundaries or the territory to be affected. Such notice shall state the time and place of the public hearing for consideration of such proposed amendments, supplement or change, and the place where maps of the proposed amendment, supplement or change will be accessible for examination by interested parties.

(D) Notice of such public hearing shall be published no more than 30 days nor less than 15 days in advance thereof in at least one newspaper of general circulation in the city. After such public hearing, the Commission shall submit a copy of the decision together with the pertinent considerations in the proposed amendment to the City Council for its decision.

(E) The Commission shall report to the City Council on the proposed amendment, supplement, or change and may cause an ordinance authorizing such amendment, supplement or change to be introduced in the City Council. Such hearing may be adjourned from time to time. Whenever a written protest against such proposed amendment, supplement or change, signed and acknowledged by the owners of the following property: *(1)-(3) Remain unchanged*

Section 2. Chapter 35 of the Code of Ordinances of the City of Mattoon is hereby amended as follows: §35.01 (E) (4) Zoning Ordinance Fees:

Variance	\$200
Special Use Permit	\$300
Zoning Map Amendment	\$300
Zoning Text Change	\$200
Planned Use Development	\$500

Section 3. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Acting Mayor Gover, seconded by Commissioner Rankin, adopted this 17th day of August, 2010, by a roll call vote, as follows:

AYES (Names): Commissioner Hall, Commissioner Rankin,
Acting Mayor Gover
NAYS (Names): None
ABSENT (Names): Commissioner Ervin

Approved this 17th day of August, 2010.

/s/ Tim Gover
Tim Gover, Acting Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

APPROVED AS TO FORM:

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on August 18, 2010.

Acting Mayor Gover opened the floor for discussion with no responders.

Acting Mayor Gover declared the motion carried by the following vote: Absent Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Acting Mayor Gover.

Commissioner Rankin seconded by Commissioner Hall moved to adopt Ordinance 2010-5308, amending the Lake Mattoon Fees Schedule of the Municipal Code.

CITY OF MATTOON, ILLINOIS
ORDINANCE NO. 2010-5308

**AN ORDINANCE AMENDING LAKE MATTOON FEES SCHEDULE
OF THE MUNICIPAL CODE**

WHEREAS, the City of Mattoon maintains two campgrounds, a marina and a beach area at Lake Mattoon, and

WHEREAS, the revenues derived from the activities at Lake Mattoon are set such that they pay for the expenses incurred to provide them, and

WHEREAS, over the next few years there are several projects necessary to maintain the campgrounds and user fees must be raised to pay for those projects.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, ILLINOIS;

Section 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Amendments. §35.01 H (1) is amended to the following:

Campground East Rental Fee	Current	Proposed
Seasonal	\$1,100.00	\$1,400.00
Electric (Minimum)	\$162.00	\$81.00
Water	\$90.00	\$90.00
Monthly	\$200.00	\$250.00
Daily	\$20.00	\$25.00

Campground West Rental Fee		
Seasonal	\$1,200.00	\$1,400.00
Monthly	\$225.00	\$275.00
Daily	\$20.00	\$25.00
Tents – Daily	\$15.00	\$15.00

Boat Dock Rental Fee		
Campers – Yearly	\$200.00	\$200.00
Campers – Monthly	\$50.00	\$50.00
Campers –Daily	\$5.00	\$5.00
Non Campers-Monthly	\$100.00	\$100.00

Boat Registration Fee

Per Motorized Boat	\$50.00	\$50.00
Per Non Motorized Boat	\$10.00	\$10.00

Sea Wall Barge Permit Fee

Per Barge		\$500.00
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Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Section 6. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Rankin, seconded by Commissioner Hall, adopted this 17th day of August, 2010, by a roll call vote, as follows:

AYES (Names): Commissioner Hall, Commissioner Rankin,
Acting Mayor Gover

NAYS (Names): None

ABSENT (Names): Commissioner Ervin

Approved this 17th day of August, 2010.

/s/ Tim Gover
Tim Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on August 18, 2010.

Acting Mayor Gover opened the floor for discussion. Director Wortman noted the primary reason for the changes was to allow for planned expenditures to upgrade the electrical service at the campground.

Acting Mayor Gover declared the motion carried by the following vote: Absent Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Acting Mayor Gover.

Acting Mayor Gover seconded by Commissioner Rankin moved to approve Council Decision Request 2010-1130, ratifying the appointments of Lew Stiff with a term expiring August 17, 2011; Bob Becker and Rick Otto with terms expiring August 17, 2012; Gary Boske and Michael Ramage with terms expiring August 17, 2013; Mary Wetzel and Dean Willaredt with terms expiring August 17, 2014; and Dave Skocy with a term expiring August 17, 2015 to the newly-merged Planning Commission. *There will be one member to be announced at a later date, serving until August 17, 2013.*

Acting Mayor Gover opened the floor for discussion with no responders.

Acting Mayor Gover declared the motion carried by the following vote: Absent Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Acting Mayor Gover.

Commissioner Rankin seconded by Commissioner Hall moved to approve Council Decision Request 2010-1131, approving the engineering contract in the amount of \$121,700 with Clark Dietz for:

- a) Satellite Treatment Alternative for CSO (Combined Sewer Overflow) Long-term Control Plan (LTCP); and b) CSO LTCP Facility Plan.

Acting Mayor Gover opened the floor for discussion. Director Wortman reviewed the five action items and their significance to the overall long-term control plan. Commissioner Hall suggested an alternative with Director Wortman stating this contract included completing the IEPA permit documents and explained reasons for using Clark-Dietz. Administrator McLaughlin stated a change in the contract involving ownership would be updated.

Acting Mayor Gover declared the motion carried by the following vote: Absent Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Acting Mayor Gover.

Commissioner Rankin seconded by Commissioner Hall moved to approve Council Decision Request 2010-1132, authorizing the purchase of a Waste Water Treatment Plant replacement pump in the amount of \$19, 301.50 from Vandevanter Engineering Company.

Acting Mayor Gover opened the floor for discussion. Director Wortman discussed two sludge pumps with one non-operational, the new pump as the backup pump installed by employees, and lowest submitted bid.

Acting Mayor Gover declared the motion carried by the following vote: Absent Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Acting Mayor Gover,

Acting Mayor Gover seconded by Commissioner Rankin moved to approve Council Decision Request 2010-1133, approving the purchase of 500 Badger Orion radio-read transponders from Midwest Meter, Inc. in the amount of \$44,250 to replace current Ramer and Blu Tower transponder meters.

Acting Mayor Gover opened the floor for discussion. Attorney & Treasurer Owen stated the purchase was the continuation of the replacement program.

Acting Mayor Gover declared the motion carried by the following vote: Absent Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Acting Mayor Gover.

COMMUNICATIONS - COUNCIL AND CITY STAFF

DEPARTMENT REPORTS:

CITY ADMINISTRATOR – noted the ribbon-cutting ceremony at Watts Copy; announced Community Pride doing well with 10-12 demos this year; commended Coordinator Gill, Electrical Inspector Frederick, and Assistant Winn for their efforts in dealing with the nuisances and demos; commented on the website update with Hans Warner; FY12 health insurance costs through a wellness projection; revenues and equipment surplus; and her recommendation as an International City Managers Association's Credentialed Manager. Acting Mayor Gover opened the floor for questions with no responders.

ATTORNEY & TREASURER – noted the payment of bills online; and presented an updated cliff-notes version of finance report.

CITY CLERK – noted an increased issuance of birth certificates, a continuation of transferring records electronically, and the processing of permits, licenses, etc.

PUBLIC WORKS – announced a successful American Legion Regional Tournament, continuation of the oil & chip program, mosquito spraying, an engineering update, and construction of waterline to Moultrie County. Acting Mayor Gover opened the floor for questions. Commissioner Hall inquired as to the completion of the sidewalks project. Director Wortman stated there were some timing issues and had one contractor replacing the sidewalks, but the project was completed.

COMMUNITY DEVELOPMENT – updated the Council on the demolition of 309 N. 11th Street with two more in the process and two good proposals on two others; stated Inspector Frederick, Assistant Winn, and Inspector Evans were processing the nuisances. Acting Mayor Gover opened the floor for questions with no responders.

FIRE – updated the Council on the Department's training and applications, Blue Cross Blue Shield impact study, installation of fire extinguishers at Lake Land College, attendance of ambulance at Mattoon Junior Football Complex, EMS presence at American Legion Tournament, flow testing and painting of hydrants in September.

POLICE – advised the Council on an officer on light duty, last two surplus vehicles on internet auction on Friday, and shift changes on Friday.

COMMENTS BY THE COUNCIL

Commissioner Ervin – absent

Commissioner Hall – nothing at this time

Commissioner Rankin – nothing at this time

Acting Mayor Gover – noted the Council’s involvement in the FutureGen 2.0 decision with the citizens’ resounding disapproval of the offer.

Acting Mayor Gover opened the floor for questions of the public with no responders.

Acting Mayor seconded by Commissioner Hall moved to recess to closed session at 7:23 p.m. pursuant to the Illinois Open Meetings Act for the purpose of considering the employment, performance or dismissal of employees of the municipality (5 ILCS 120(2) (c) (1)); and collective negotiating matters between the public body and its employees or their representatives (5 ILCS 120(2) (c) (2)).

Acting Mayor Gover opened the floor for discussion with no responders. Acting Mayor Gover announced no action after closed session, except to adjourn.

Acting Mayor Gover declared the motion carried by the following vote: Absent Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Acting Mayor Gover.

Council reconvened at 8:10 p.m.

Commissioner Hall seconded by Commissioner Rankin moved to adjourned at 8:10 p.m.

Acting Mayor Gover declared the motion carried by the following vote: Absent Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Acting Mayor Gover.

/s/ Susan J. O’Brien
City Clerk